

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LIQWD, INC. and OLAPLEX LLC,

Plaintiffs,

v.

L'ORÉAL USA, INC., L'ORÉAL USA  
PRODUCTS, INC., L'ORÉAL USA S/D,  
INC., and REDKENS 5<sup>TH</sup> AVENUE, NYC,  
L.L.C.,

Defendant.

**CIVIL ACTION NO. 17-14-JFB-SRF**

**MEMORANDUM AND ORDER**

This matter is before the Court on defendants' letter of protective notice of appeal and the appeal itself, D.I.'s 818 and 824, and plaintiffs' response to defendant's letter, at [D.I. 819](#). The defendants filed their protective notice of appeal on the basis that the Memorandum and Order entered by this Court on April 26, 2019, [D.I. 785](#), granting plaintiffs' renewed motion for preliminary injunction. The defendants state in their letter and protective notice that they are concerned that the Court has not yet issued the actual injunction supporting the memorandum and order.

It is true that the Court has not yet issued that injunction. The parties, and particularly the defendants, have filed numerous motions for summary judgments that contain numerous arguments within each motion. The Court has purposely not issued the injunction order at this time. The Court has determined that it should decide the motions for summary judgment, as well as the other pending motions, prior to issuing the final injunction order. In addition, and maybe more importantly, the pretrial and trial in this case are only a few weeks away. The Court will likely enter the entire judgment in the case, including the order for an injunction, after trial. Consequently, there will not be a

final injunction for appeal at this time, the case will not be stayed, and trial will proceed as scheduled.

SO ORDERED this 31<sup>st</sup> day of May 2019.

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge